

Claims Report

United States Army Claims Service

Personnel Claims Note

Dispatch Date Determines Timeliness of Notice of Loss and Damage

Notice of loss and damage which is dispatched to a carrier within seventy-five days of delivery will overcome the presumption that the carrier delivered items in good condition.¹ Typically, this notice consists of a DD Form 1840R. However, as pointed out in a Personnel Claims Note in a recent issue of *The Army Lawyer*,² other documents, such as a Government Inspection Report, a DD Form 1841, or a personal letter from

the claimant, will also constitute proper notice of loss or damage.³ All that is required is that the notice be *dispatched* to the carrier within seventy-five days.⁴ If a DD Form 1840R is used, the date stamped at the bottom of the form constitutes the dispatch date.⁵

Because of the importance of the dispatch date, field claims offices must mail each DD Form 1840R immediately on the day it is received. Field claims offices also should not send multiple DD Forms 1840R in the same envelope, especially if they have different dispatch dates.⁶ Lieutenant Colonel Masterton.

1. Joint Military-Industry Memorandum of Understanding on Loss and Damage Rules (1 Jan. 1992), *reprinted in* ARMY LAW., Mar. 1992, at 45.

2. Personnel Claims Note, *What Constitutes Timely Notice?*, ARMY LAW., June 1997, at 59 [hereinafter Claims Note].

3. *See* Lift Forwarders, Inc., B-249479, 1992 WL 328746 (Comp. Gen. Oct. 19, 1992).

4. The note in the June 1997 issue of *The Army Lawyer* stated that to satisfy the requirement of timely notice “the carrier must *receive* the notice of loss or damage within seventy-five days of delivery.” Claims Note, *supra* note 2, at 59 (emphasis added). This is not correct. The note also states that the timely notice requirement “can be satisfied by any document stating that an item has been damaged in shipment, as long as the carrier receives the document within seventy-five days of delivery.” *Id.* This is correct, but the requirement can also be satisfied if such documents are *dispatched* within seventy-five days of delivery.

5. Senate Forwarding, Inc., B-249840, Mar. 1, 1993, 93-1 CPD ¶ 302.

6. *See* Personnel Claims Recovery Note, *Proper Dispatch of DD Form 1840R*, ARMY LAW., Oct. 1992, at 43.